

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REN JUDKINS,)
Plaintiff,)
vs.) Civil Action No. 07-0251
HT WINDOW FASHIONS CORP.,)
Defendant.)

VERDICT FORM

QUESTIONS REGARDING THE '120 PATENT

PART I - INFRINGEMENT QUESTIONS

QUESTION NO. 1:

Do you find that Mr. Judkins has proven, by a preponderance of the evidence, that HT's POLARIS double celled product literally infringes any of the claims of the '120 Patent?

(Answer "YES" or "NO" for each asserted claim.)

Claim 1: YES

If your answer for claim 1 is "NO" skip to Question No. 2.

Claim 2: YES

Claim 3: YES

Claim 4: YES

If your answer for claim 4 is "NO" skip to claim 6.

Claim 5: YES

Claim 6: YES

Claim 7: YES

QUESTION NO. 2:

If you answered NO to Question No. 1, do you find that Mr. Judkins has proven, by a preponderance of the evidence, that HT's POLARIS double celled product infringes any of the claims of the '120 Patent under the doctrine of equivalents?

(Answer "YES" or "NO" for each asserted claim.)

Claim 1: yes

If your answer for claim 1 is "NO" skip to **Question No. 3.**

Claim 2: yes

Claim 3: yes

Claim 4: yes

If your answer for claim 4 is "NO" skip to claim 6.

Claim 5: yes

Claim 6: yes

Claim 7: yes

NOTE:

*Answer Question No. 3 only if you have found any claim of the '120 Patent to be infringed in Question No. 1 or Question No. 2. If you answered NO to all claims in Question No. 1 and Question No. 2 DO NOT answer Question No. 3.

QUESTION NO. 3:

Do you find that Mr. Judkins has proven by clear and convincing evidence that HT's infringement of the '120 Patent was willful?

YES ✓

or

NO _____

PART II - INVALIDITY QUESTIONS

NOTE:

* You have now answered the questions regarding infringement of the '120 Patent. You must still go on and answer the questions regarding the validity and enforceability of the '120 Patent. The parties want to know whether the Patent is invalid or unenforceable regardless of whether or not HT's products infringe it.

QUESTION NO. 4:

Do you find that HT has proven, by clear and convincing evidence, that the '120 Patent is invalid because it failed to disclose the best mode?

YES _____

or

NO ✓

QUESTION NO. 5:

Do you find that HT has proven, by clear and convincing evidence, that at least one of the claims of the '120 patent is invalid as being obvious to a person of ordinary skill in the art at the time the invention was made?

(Answer "YES" or "NO" for each asserted claim.)

Claim 1: No

If your answer for claim 1 is "NO" skip to Question No. 6.

Claim 2: No

Claim 3: No

Claim 4: No

If your answer for claim 4 is "NO" skip to claim 6.

Claim 5: No

Claim 6: No

Claim 7: No

PART III - UNENFORCEABILITY QUESTION

QUESTION NO. 6:

Do you find that HT has proven, by clear and convincing evidence, that the '120 Patent is unenforceable due to inequitable conduct?

YES _____

or

NO ✓

PART IV - DAMAGES QUESTION

NOTE:

*Answer Question No. 7 only if you have found above that at least one claim of the '120 Patent is infringed and that same claim is not invalid and that the patent is not unenforceable.

QUESTION NO. 7: DAMAGES

If you have found that any claim of the '120 Patent is infringed and is not invalid and not unenforceable, what amount of damages are adequate to compensate Mr. Judkins for the infringement?

Royalty Rate _____

Total Royalties Due ✓ _____

Other Damages _____

QUESTIONS REGARDING THE '634 PATENT

PART I - INFRINGEMENT QUESTIONS

QUESTION NO. 8:

Do you find that Mr. Judkins has proven, by a preponderance of the evidence, that HT's POLARIS single celled product would literally infringe the '634 Patent?

Claim 10: YES

QUESTION NO. 9:

If you answered NO to Question No. 8, do you find that Mr. Judkins has proven, by a preponderance of the evidence, that HT's POLARIS single celled product would infringe the '634 Patent under the doctrine of equivalents?

Claim 10: _____

PART II - INVALIDITY QUESTIONS

NOTE:

* You have now answered the questions regarding infringement of the '634 Patent. You must still go on and answer the questions regarding the validity and enforceability of the '634 Patent. The parties want to know whether the Patent is invalid or unenforceable regardless of whether or not HT's products would infringe it.

QUESTION NO. 10:

Do you find that HT has proven, by clear and convincing evidence, that Claim 10 of the '634 patent is invalid as being anticipated by prior art?

YES _____

or

NO V

QUESTION NO. 11:

Do you find that HT has proven, by clear and convincing evidence, that Claim 10 of the '634 Patent is invalid as being obvious to a person of ordinary skill in the art at the time the invention was made?

YES _____

or

NO _____

✓

PART III - UNENFORCEABILITY QUESTION

QUESTION NO. 12:

Do you find that HT has proven, by clear and convincing evidence, that the '634 Patent is unenforceable due to inequitable conduct?

YES _____

or

NO _____

✓

Please sign below:

Jennifer Ward
Alicia Barlang/ce
Dawn Scabill
Chery Yeran

James C. Board
Cherry Leggins
James Curr
Deborah A Proba

DATE: 11-12-09